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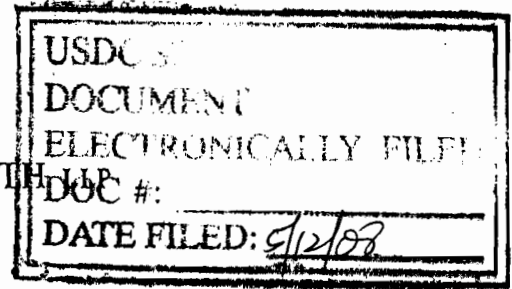
CHAMBERS OF
JUDGE SIDNEY H. STEIN
U.S.D.J.

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USDC

DOCUMENT

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DATE FILED: 5/12/08

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May 2, 2008

FILE NO.
9168-599

MEMO ENDORSED

VIA FACSIMILE: (212)805-7924Honorable Sidney H. Stein
United States District Court
U.S. District Court, Southern District of New York
500 Peel Street
New York, New York 10007

5/9/08
fact date for extension
discovery is July 31. No.
further extension. Conf remains
at May 30 at 11 A.M. in order for
the Court to assume itself that discovery
is well underway.
Sincerely,
Sidney H. Stein
USDC

Re: E. Packman, Individually, et al. v. It's Just Lunch, et al.
07 CV 9227 (SHS)

Dear Honorable Stein:

We are counsel to Defendants in the above-referenced litigation, and, pursuant to your Honor's individual practice rule are respectfully requesting an enlargement of time to complete fact discovery.

The instant request is being made because fact Discovery is scheduled to end by May 30, 2008, however, discovery still remains in its early stages. Discovery responses to plaintiff's demands and defendant's requests for discovery have been recently served. Plaintiff's responses to our discovery demands are due by May 20, 2008. Further, Plaintiff has served objections to our responses and we are in the process of replying to same.

With respect to depositions, to date, no depositions have been held. Defendants respectfully request that depositions not begin until all discovery has been exchanged and any and all deficiencies have been cured.

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Towards, that end, plaintiffs have noticed more than ten (10) witnesses to depose in this matter. A number of those witnesses are non-parties who no longer work for Defendant It's Just Lunch, (hereinafter "IJL"). On information and belief, the witnesses Noticed by Plaintiff live out-of-town, including but not limited to California, Florida and Albany. On further information belief, due to personal conflicts certain witnesses have indicated that they will not be available certain weeks of May and June. We are currently in the process of obtaining the witnesses' availability from June through October for their availability. As the summer is upon us it is likely that it will be difficult to schedule the witnesses. Preferably, it is the objective of Defendants' to schedule the witnesses who live in California back to back to prevent undue travel and expenses.

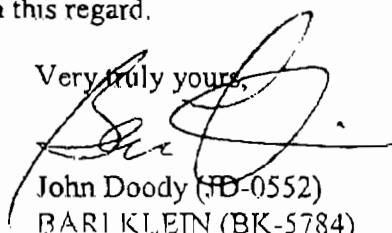
Lastly, Defendants reserve their right to take the depositions of non-party witnesses depending on information that may develop through the course of discovery.

Defendants' respectfully request that your Honor grant Defendant's first application to enlarge our time to complete fact discovery to Friday, October 31, 2008, or any date thereafter which is agreeable to the Court, with the consent of Plaintiff only to Wednesday, August 13, 2008. Defendants' respectfully request that the Court grant Defendants' application to enlarge the time to complete fact discovery to October 31, 2008.

Accordingly, Defendants' respectfully request that should the Court grant the parties' application to enlarge our time to complete fact discovery that the conference scheduled for May 30, 2008, be adjourned to the date that fact discovery is due by.

Thank you for your consideration in this regard.

Very truly yours,


John Doody (JD-0552)

BARI KLEIN (BK-5784)

LEWIS BRISBOIS BISGAARD & SMITH LLP

BK

cc: Ballestriere, PLLC
225 Broadway, Suite 2700
New York, New York 10007
Attention: Jon L. Norinsberg, Esq.